REMARKS/ARGUMENTS

The Office Action notes that claims 1-8 and 23-25 are pending in the application. By this amendment, claim 1 has been amended to correct a typographical error. Therefore, claims 1-8 and 23-25 are still pending in the application.

In the Office Action, the Examiner: (1) objected to the drawings; (2) rejected claims 1-8 under 35 USC §103(a); and (3) allowed claim 23-25. Applicant responds to the Examiner's objections and rejections below.

Drawings

The Examiner objected to the drawings as failing to comply with 37 CFR §1.84(p)(5) because they did not include references 118 and S1-S21.

Applicant has attached to this Response Replacement Drawing Sheets that make the following changes. In Figure 1, reference number 118 was added to indicate the query distributors. In Figures 2a-2d, the reference numbers 51-521 have been changed to S1-S21 to correspond to the reference numbers used in the specification. Applicant submits that all of these changes are supported in the original application and do not constitute new matter.

Claim Rejections - 35 USC §103

The Examiner rejected claims 1-8 under 35 USC §103(a) as being unpatentable over Champernowne (US Pat. Pub. 2002/0143587) in view of Rafiah (US Pat. 6,834,229). Applicant respectfully submits that claims 1-8 are patentable over Champernowne in view of Rafiah.

As to claim 1, Champernowne does not show or suggest, as recited in claim 1, "a data set stored on the network file system server in a manner such that said data search engine server may selectively access and transfer portions of the data set to the data storage memory of the data search engine server."

First, the Examiner identified the file server 240 in Champernowne as corresponding to the "network file system server" in claim 1. However, Champernowne does not show or suggest "a data set stored on the network file system server [file server 240]" as recited in claim 1. In fact, Champernowne does not show or suggest the file server 240 storing any data at all.

Second, the Examiner identified query server 400 in Champernowne as corresponding to the "data search engine server" in claim 1. However, Champernowne does not show or suggest that the "data search engine server [query server 400] may access and transfer portions of the data set [from file server 240] to the data storage memory of the data search engine server [query server 400]" as recited in claim 1. In fact, Champernowne does not show or suggest the query server 400 accessing or transferring data from the file server 240 at all.

In addition, as with Champernowne, Rafiah does not show or suggest "a data set stored on the network file system server in a manner such that said data search engine server may selectively access and transfer portions of the data set to the data storage memory of the data search engine server" as recited in claim 1. Therefore, even if such a combination as Champernowne and Rafiah were made, the purported combination still would not disclose all of the elements recited in claim 1.

Claims 2-8 are dependent on claim 1, therefore, for the reasons stated above claims 2-8 are also patentable over Champernowne in view of Rafiah.

In addition, Applicant submits that it would not have been obvious to a person skilled in the art to modify the system disclosed in Champernowne with the load balancer disclosed in Rafiah. The Examiner fails to point out and Applicant fails to find any suggestion or motivation to combine these references. There is no mention in Champernowne of possibly using multiple query servers and therefore no mention of using or needing to use a load balancer or query

distributor to distribute work loads among multiple servers. The only potential teaching for combining these references is Applicant's own patent application, which is inappropriate. *See* MPEP §2143.01 ("The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." In re Mills, 916 F.2d 680, 16 USPQ 1430 (Fed. Cir. 1990); "Although a prior art device 'may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so.'" Id at 682.). See also In re Fritch, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992).

If the Examiner maintains the rejection of claims 1-8, Applicant requests that the Examiner point out with specificity the motivation disclosed in the cited references that supports the asserted combination.

Conclusion

In view of the aforesaid, Applicant respectfully submits that claims 1-8 and 23-25 are in condition for allowance and a Notice of Allowance for these claims is respectfully requested.

Respectfully submitted,

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